IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 8305 of 2004

Between:

Challagundla Bikshamaiah S/o Ramaiah
R/o. Kothaganeshunipadu, village, Machavaram Mandal,
Guntur, Dist. ..... PETITIONER

AND

1 The District Collector, Guntur, Guntur Dist.
2 The District Panchayat officer, Guntur, Guntur, Dist.
3 The Panchayat Secretary, Kothaganeshunipadu Gram Panchayat, Machavaram, Mandal, Guntur Dist.
4 Sarpanch, Kothaganeshunipadi Gram Panchayat, Machavaram Mandal, Guntur, Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondents in not paying the amount due to the petitioner for the execution of the Gram Panchayat Building as illegal and arbitrary and consequently direct the respondents to pay the amount Rs.87,536- to the petitioner with interest from the due date till the date of payment.

Counsel for the Petitioner : Mr.P.GANGA RAMI REDDY

Counsel for Respondents 1&2: G.P. FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.3 : Mr.D.SRINIVAS

The Court at the stage of admission, made the following :

ORDER:

The petitioner who is an Ex-Sarpanch of Kothaganeshunipadu village, Machavaram Mandal, Guntur district filed the present writ petition stating that during his tenure in the office of Sarpanch, first respondent sanctioned Rs.1,00,000/- under tenth finance commission funds for construction of Gram Panchayat office building and for which Gram Panchayat has to contribute 30% out of its funds. The construction of the building was not completed with the said funds sanctioned during the year 1996-97 and the Assistant Engineer has submitted estimates for the balance work. Accordingly the construction of the entire building was completed and handed over in 2001. It is stated that the balance amount of Rs.87,536/- is due and payable to the petitioner for the construction work undertaken by him. The grievance of the petitioner is that even though he has completed the construction and handed over the same to the respondents, the respondents are not paying any amounts in spite of his repeated requests and representations. Aggrieved by the same, the present writ petition is filed.

Having regard to the facts and circumstances of the case, if the petitioner is entitled for any amounts due and payable by the respondents, the proper remedy for the petitioner is to file Civil Suit before appropriate forum for recovery of the amounts from the respondents.

The writ petition is, therefore, dismissed. No costs.

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DA A.GOPAL REDDY, J

To

1 The District Collector, Guntur, Guntur Dist.
2 The District Panchayat officer, Guntur, Guntur, Dist.
3 The Panchayat Secretary, Kothaganeshunipadu Gram Panchayat, Machavaram, Mandal, Guntur Dist.
4 Sarpanch, Kothaganeshunipadi Gram Panchayat, Machavaram

Mandal, Guntur, Dist.

5 Two CCs to the G.P. for Panchayat Raj and Rural Development Department, High Court Buildings, Hyderabad (OUT).

6 Two CD copies.